

Planning Commission Report

To: City Council

From: Planning Commission

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Date: March 23, 2016

File Numbers: LAND-2015-02261, SEPA-2015-02323

Title: Amendment to Comprehensive Plan and Zoning Code Regarding Non-Residential Uses in Residential Zones and to Extend the Overlake Business and Advanced Technology (OBAT) Height Limit Overlay

**Planning
Commission
Recommendation:** Denial

**Recommended
Action:** Deny the applicant's proposed amendments to the Redmond Comprehensive Plan and Zoning Code and deny the Technical Committee's alternative recommendation.

Summary: The applicant proposed to amend Comprehensive Plan Land Use Element policy LU-30 and Overlake Neighborhood policy OV-77 to add language requiring that all non-residential uses in Residential zones obtain a Conditional Use Permit (CUP), and to extend the existing OBAT height limit overlay 300' into adjacent Residential zones. Alternatively, the Technical Committee recommended an amendment to the Zoning Code that a neighborhood meeting be required for three non-residential uses in Residential zones that are

likely to cause people to gather: 1) Community indoor recreation, 2) Parks, open space, trails and gardens, and 3) Religious institutions with fewer than 250 seats.

**Reasons the
Proposal should
be Denied:**

The applicant's recommended amendments to the Redmond Comprehensive Plan should be denied for the reasons stated in the Technical Committee Report and because:

- No significant issues have been identified regarding the current permitting process or operation of non-residential uses within Residential zones and there is sufficient authority to address potential impacts both during the review process as well as after the use is in place through code enforcement;
- The applicant's proposed amendments would result in additional time and expense for permitting non-residential projects under a Type IV (CUP) instead of the existing Type I or Type II process; and,
- The proposed extension of the OBAT height limit overlay is inconsistent with the purpose of this overlay and could prevent the location of some non-residential uses in Residential zones that the Redmond Zoning Code currently allows.

In addition, the Technical Committee's recommended amendments to the Redmond Zoning Code to require a neighborhood meeting for three non-residential land uses when locating in Residential zones should be denied because:

- No significant issues have been identified regarding the current permitting process or operation of non-residential uses in Residential zones and potential issues can be addressed through permitting as well as through code enforcement.
- Two of the three uses proposed to have a required neighborhood meeting (Community indoor recreation and Parks, open space, trails and gardens) already incorporate public review and comment into their review processes.

Recommended Findings of Fact

1. *Public Hearing and Notice*

a. *Public Hearing Date*

The Planning Commission held a public hearing on February 10, 2016.

b. Notice

The public hearing was published in the Seattle Times. Public notices were posted in City Hall and at the Redmond Library. Notice was also provided by including the hearing in Planning Commission agendas and extended agendas that are distributed to various members of the public and various agencies, and posted on the City's web site.

2. Public Comments

Three people testified at the public hearing. Comments are summarized below. The meeting minutes for the February 10, 2016, Planning Commission meeting including public testimony are shown in Attachment E, and written comments are shown in Attachment F.

Susan Wilkins:

Additional Cost and Permit Review

The proposed amendment would increase the cost for permitting and add additional review that is unnecessary, as Conditional Use Permits require a hearing before a Hearing Examiner. It would put an undue burden on non-residential uses that are currently allowed in Residential zones such as schools or some temporary uses. Further, the proposal to require neighborhood meetings for non-residential uses would affect the City's ability to develop and maintain parks and trails and interfere with the right to practice religion and assemble.

Technical Committee Recommendation:

The Technical Committee's recommendation should not be considered as an alternative to the applicant's proposal, but should be considered as a separate amendment proposal with separate SEPA review because it is substantially different from the original amendment.

Ali Haveliwala:

The applicant's proposed amendments arise out of his opposition to the Anjuman-e-Burhani project proposed for 15252 NE 51st Street. The amendments will create barriers to the development of non-residential uses in Residential zones, including churches and places for religious worship.

Eugene Zakhareyev on behalf of Friends of Overlake:

The proposed amendments will contribute to a more rigorous land use development process in the City of Redmond and the Overlake neighborhood and will better protect residents in existing residential neighborhoods while allowing a variety of non-residential uses therein.

Conclusions

1. *Key Issues Discussed by the Planning Commission*

The Planning Commission considered the amendments proposed by the applicant and the alternative recommended by the Technical Committee. Key issues discussed by the Planning Commission are summarized in the Issues Matrix (Attachment D) and below.

Commissioners discussed the current status of non-Residential uses in Residential zones and if there had been negative impacts from these land uses. The Commission asked how staff had dealt with any previous issues such as overflow parking in adjacent neighborhoods. Further, if a religious institution grew to be larger than the 250 seat capacity for which it was permitted, how does the City address this? Staff responded that overflow parking issues have been addressed through signage, code enforcement, and in one case, issuing parking tickets. Also, when a 250 seat capacity religious institution is permitted through administrative review, maintaining the 250 seat size is a condition of approval; if growth occurs, the City will revoke the permit allowing the use and require that a Conditional Use Permit is obtained. The Commission was satisfied that this issue had been adequately addressed.

The Planning Commission asked how the three uses recommended by the Technical Committee to require neighborhood meetings incorporate public review and comments. Community indoor recreation and Parks, open space, trails and gardens are allowed in Residential zones if they are public uses. They would undergo a public review process and often, neighborhood meetings for the location of, or major remodeling of these uses. The Commission was satisfied that this issue has been adequately addressed.

2. *Recommended Conclusions of the Technical Committee*

The [analysis and](#) recommended conclusions [contained](#) in the Technical Committee Report (Attachment G) [regarding the proposed amendments ~~should be~~ are adopted in support of the Planning Commission's recommendation.](#)

3. *Planning Commission Recommendation*

The Planning Commission voted 7-0 at its February 17, 2016 meeting to recommend denial of the Amendments as shown in Attachments A and B. In summary, the Planning Commissioners stated that no significant issues associated with the permitting or operation of nonresidential uses in residential zones have been identified and that the applicant's proposed amendments and the Technical Committee's alternative recommendation represent a means to solve a problem that they do not believe exists.

List of Attachments

Attachment A: Applicant's Recommended Amendments to Comprehensive Plan Policies LU-30 and OV-77

Attachment B: Technical Committee's Recommended Amendments to Redmond Zoning Code

Attachment C: OBAT Height Limits – Map 12.7

Attachment D: Issues Matrix

Attachment E: Planning Commission Meeting Minutes for February 10, 2016

Attachment F: Written Testimony

Attachment G: Technical Committee Report with Exhibits

- Exhibit A: Technical Committee Recommended Amendments to the Redmond Zoning Code and examples
- Exhibit B: OBAT Height Limits – Map 12.7
- Exhibit C: SEPA Threshold Determination
- Exhibit D: Applicant's requested amendments

Robert G. Odle, Planning Director

Date

Scott Biethan, Planning Commission Chairperson

Date

Approved for Council Agenda

John Marchione, Mayor

Date